

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN H. BENGE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-550-GMS
	:	
RICK KEARNEY, Warden,	:	
CARL C. DANBERG, Attorney General	:	
of the State of Delaware,	:	
	:	
Respondents.	:	

NOTICE OF FILING OF STATE COURT RECORDS ¹

1. Respondents filed with the Clerk of the Court on February 1, 2006 certified copies of the following Delaware Supreme Court documents in *John H. Benge, Jr. v. State of Delaware*, No. 544, 2003:

- a. the appellant's opening brief and appendix filed May 6, 2004;
- b. the State's answering brief and appendix filed June 18, 2004;
- c. the appellant's supplemental memorandum filed August 18, 2004;
- d. the State's answering supplemental memorandum filed August 25, 2004;
- e. and the Court's order dated November 15, 2004.

/s/
Thomas E. Brown
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar ID# 3278
ThomasE.Brown@state.de.us

Date: October 30, 2006

¹Pursuant to the Court's order and Civil Rule 25(d)(1), Carl C. Danberg, who succeeded M. Jane Brady as Attorney General for the State of Delaware, is substituted as a party in this proceeding.

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on October 30, 2006 he caused to be electronically filed a Notice of Filing of Certified State Court Records with the Clerk of the Court using CM/ECF and caused to be hand delivered paper copies of the records listed therein with the Clerk's Office. I hereby certify that on October 30, 2006 I have also caused to be mailed by first class U.S. Mail two copies of the document (and the records listed therein) to the following non-registered participant, the petitioner:

John H. Benge (No. 494395)
Sussex Correctional Institute
P.O. Box 500
Georgetown, DE 19947.

/s/ _____
Thomas E. Brown (ID# 3278)
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: October 30, 2006